

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8396 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- SINGHIYA District- Samastipur

RAKESH YADAV S/O RAM BALAK YADAV Resident of Village-
Bhuskorwa, P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pathak

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 394/34 of the Indian Penal Code and Section 27 of Arms Act.

As per prosecution case, the informant alleged that at the instance of FIR named co-accused, the son of the informant was robbed and shot dead by unknown miscreants.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he has falsely been implicated in this case on the basis of suspicion. There is no any eye-witness of the alleged occurrence. During course of the investigation, the name of the petitioner has been dragged in this case on the basis of confessional statement of co-accused Sunil



Pandit and Nityanand Pandit before the police, which has got no evidentiary value in the eye of law. Except confessional statement, no any cogent material has come against the petitioner to show his complicity in the alleged offence. Moreover, similarly situated co-accused namely, Nityanand Pandit has already been granted bail by a co-ordinate Bench of this Court vide order 1.11.2022 passed in Cr. Misc. No. 2420 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 207.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Singhiya P.S. Case No. 116 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vth, Rosera, Samastipur.

(Sunil Kumar Panwar, J)

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